

**SAN BENITO COUNTY
PACHECO STORM WATER DISTRICT**

Armando Alfaro Trustee	Michele Schroeder Trustee	Paula Azcona Trustee
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481 Fourth Street, Hollister, CA 95023

**PACHECO STORM WATER DISTRICT - REGULAR MEETING-
APRIL 24, 2023
6:00 PM**

1

The meeting will be available through Zoom and Peak Agenda for those who wish to join or require accommodations.

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 869 6508 7594
Webinar Password: 542353

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

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Written Comments & Email Public Comment

Members of the public may submit comments via email by 12:00 PM on the Monday of the Pacheco Storm Water District meeting to the jellinwood@cosb.us.

Public Comment Guidelines

A. The Pacheco Storm Water District welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the jellinwood@cosb.us.

2 CALL TO ORDER

3 PLEDGE OF ALLEGIANCE

4 PUBLIC COMMENT

5 CONSENT AGENDA

11. [Acknowledgment of Certificate of Posting of Agenda](#)
[CERT OF POSTING PACHECO STORM WATER DISTRICT.pdf](#)

12. [Approval of Minutes of Previous Meetings](#)
[Pacheco Storm Water District minutes March 27, 2023](#)
[Pacheco Storm Water District minutes March 13, 2023](#)

6 REGULAR AGENDA

21. [Update regarding FEMA Application for Emergency Public Assistance to Repair Pacheco Creek Levee Breaks](#)

22. [Update regarding Additional Funding Opportunities for District Flood Recovery and Future Flood Control Improvements](#)

23. [Update on Debris Removal](#)

24. [Update on Mosquito Abatement](#)

25. [Discussion of Appointment of Advisory Board for District Board of Trustees](#)

26. [Discussion of Ways to Publicize Work of Trustees](#)

27. [Discussion of Collaboration Opportunities/Region-wide Coordination](#)

28. [Review mapping of easements held by the District for flood control facilities.](#)
[PSWD Easement Map.pdf](#)
[Map of Easement Docs 8503541 - 8503543 & Book 149 P 135 & 136.pdf](#)
[Map of Easement Doc 8503546.pdf](#)
[PSWD Grant of Easement 2023 \(draft\).docx](#)

29. Informational presentation on Conflict of Interest Code adoption requirements by local agencies as set forth in the Government Code and Fair Political Practice Commission Regulations, and consideration of draft resolution for the adoption by the District of the model code by reference.

PSWD Resolution No. 2023-___ Adopting Conflict of Interest Code.docx

210. Discussion of Future Agenda Items

7 ADJOURNMENT

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 11.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Vanessa Delgado

SUBJECT:

Acknowledgment of Certificate of Posting of Agenda

AGENDA SECTION:

CONSENT AGENDA

ATTACHMENTS:

[CERT OF POSTING PACHECO STORM WATER DISTRICT.pdf](#)

*San Benito County Planning Commission
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Shelby Duran, certify that the **Regular Agenda** for the **PACHECO STORM WATER DISTRICT MEETING** scheduled for April 24, 2023, was posted at the following locations, freely accessible to the public, on this day of April 21, 2023,

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

AND

The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

Shelby Duran
Office Assistant II
County of San Benito

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 12.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Shelby Duran

SUBJECT:

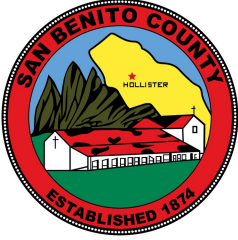
Approval of Minutes of Previous Meetings

AGENDA SECTION:

CONSENT AGENDA

ATTACHMENTS:

[Pacheco Storm Water District minutes March 27, 2023](#)
[Pacheco Storm Water District minutes March 13, 2023](#)



**SAN BENITO COUNTY
PACHECO STORM WATER DISTRICT**

Armando Alfaro Trustee	Michele Schroeder Trustee	Paula Azcona Trustee
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Webinar ID: 840 4110 0333

Webinar Password: 567988

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C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact jellinwood@cosb.us.

1. CALL TO ORDER

Trustee Michele Schroeder called the meeting to order.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was skipped on the agenda.

3. ACKNOWLEDGMENT OF POSTING OF AGENDA

Armando Alfaro, Trustee motioned to acknowledge the certificate of posting.

Paula Azcona, Trustee seconded this motion.

Michele Schroeder, Trustee of the Pacheco Storm Water District, Paula Azcona, Trustee of the Pacheco Storm Water District, Armando Alfaro, Trustee of the Pacheco Storm Water District voted for this motion.

Moved by Armando Alfaro; seconded by Paula Azcona to Approve Motion carried 3-0..

Motion Passed: 3 - 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

3.A Acknowledge Certificate of Posting

4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

One Public Comment via Zoom, Supervisor Bea Gonzales, made a comment if someone from the Pacheco Storm Water District committee to attend the Cal OES meetings. Second item Bea Gonzales asked if there was a contact number other than county council number for public to contact the board. Third item is related to Dunneville/ Lovers Lane area a lot of people are reliant on internet. Bea Gonzales wanted to know if the Board of Supervisors/County could post a bulletin board near Dunneville market to update the public in the area.

One Public Comment in Chambers, Lucinda Florek, agreed with what Supervisor Bea Gonzales said in regard to a bulletin board getting posted.

5. CONSENT AGENDA

5.A Approval of Minutes of Meeting of March 13, 2023

Joel Ellinwood, Assistant County Counsel advised the minutes will be finalized and included in the agenda packet for the next meeting. Meeting minutes for March, 13,2023 will be included in this meetings minutes. This agenda item will be moved to the next meeting.

6. REGULAR AGENDA

6.A Update regarding FEMA Application for Emergency Public Assistance to Repair Pacheco Creek Levee Breaks

Madison Mitchell, San Benito County OES staff advised she is supporting county staff with public assistance application for FEMA. Currently we are waiting for Cal OES and FEMA to establish that we are an eligible entity.

Paula Azcona, Trustee asked what is the maximum amount they are going to offer us.

Steve Loupe, Director of Public Works commented staff is submitting a request for \$2M dollars for the levy repair and half a million dollars for the creek clean up.

One Public Comment via Zoom, Yareny Jones asked who pays for the 6% cost share.

Steve Loupe, Director of Public Works stated as Madison mentioned, we are trying to work that all out. First FEMA needs to confirm our documents are in order, and then they will setup a meeting. The next step is to request the funds and then finally we have to coordinate internally and externally who will pay for those funds. The first step is to apply to see if we receive any funds. If we decide to move forward all of us need to determine who pays that 6% because we understand the district is financially constrained.

Armando Alfaro, Trustee, asked once we receive the funds, when can we start the repairs.

Steve Loupe, Director of Public Works, advised after we receive the funding or determine that we're going to move forward we will be able to clean up the creek fairly soon.

6.B Update regarding Additional Funding Opportunities for District Flood Recovery and Future Flood Control Improvements

Steve Loupe, Director of Public Works provided an update regarding additional funding opportunities.

Paula Azcona, Trustee asked how soon the \$40K grant will be available.

Steve Loupe, Director of Public Works advised the time frame is unknown.

No Public Comment via Zoom.

No Public Comment in the chambers.

One Public Comment in Chambers, Yareny Jones, asked about agriculture and if this grant is for farmers only.

Joel Ellinwood, Assistant County Counsel stated we don't know what the criteria are, this is a new program.

6.C Appointment of Clerk for District Board of Trustees

Michele Schroeder, Trustee asked if anyone had any questions about the appointment of the clerk.

Paula Azcona, Trustee asked how soon do they need to decide on the clerk for the District Board of Trustees.

Joel Ellinwood, Assistant County Counsel replied for the time being county staff is performing the function for the district but ultimately it would be appropriate to have someone perform that function for the district directly.

Michele Schroeder, Trustee asked Joel Ellinwood, Assistant County Counsel if he had a suggestion.

Joel Ellinwood, Assistant County Counsel made the suggestion to advertise for people who might be interested in serving on a voluntary or compensation basis.

One Public Comment via Zoom, Micah Jones asked where the money is coming from. Is it coming from the county or is it coming out of the storm district.

Joel Ellinwood, Assistant County Counsel advised the Storm Water District has an account with the county with approximately \$50K in it.

No Public Comment via Zoom.

No Public Comment in the chambers.

6.D Appointment of Advisory Board or Committee for District Board of Trustees

Joel Ellinwood, Assistant County Counsel, commented there were quite a number of people who attended the initial informational meeting about the reorganization of the district. Some of whom had a lot of information, there are landowners in the district not eligible to serve on the board because they don't live there. Joel stated It might be helpful to have a role for those kinds of people to play both, provide information and make recommendations to the Board of Trustees as to what actions might be taken.

Michele Schroeder, Trustee asked if there is a fair amount of latitude in terms of creating this committee.

Armando Alfaro, Trustee, had a comment about the people who have lived in Hollister over 30 years and have a lot of knowledge about the area, but they don't live near the creek, so they aren't able to be on the committee.

Joel Ellinwood, Assistant County Counsel, stated the advisory committee members don't have to live in the district or even necessarily own land in the district as long as they have a background check that would be useful.

No Public Comment via Zoom.

No Public Comment in the chambers.

6.E Discussion of Process for Appointment of Additional Trustees to District Board of Trustees

Joel Ellinwood, Assistant County Counsel, advised section 6.6 of the Stormwater District Act of 1909 provides that not less than 120 days before the General District Election the Board of Trustees may, by resolution increase the number of trustees to serve on the board to 5 and may designate the first additional trustees to serve on the enlarged board.

Paula Azcona, Trustee, said having 5 trustees is fine, but we need participation in the chambers.

Michele Schroeder, Trustee, commented there was a sense of urgency when they were appointed and most of it had to do with getting the FEMA application in. Michele said she keeps hearing that people want to get things done, and if there are only 3 trustees it may be easier to get things done, at first.

One Public Comment in the Chambers, Dom Zanger, Supervisor commented he would keep it at 3 and move on the Advisory Committee Board situation.

One Public Comment in the Chambers, Lucinda Florek stated her family and her husband's family have lived on Lovers Lane for over 100 years. Lucinda said the only reason they didn't volunteer to help was because they were out of town that weekend but she would like to offer her help.

One Public Comment in the Chambers, Bill Florek said a lot of his frustration is how things come and go. Bill would like to create a long term solution for the creek.

One Public Comment via Zoom, Yareny Jones made the comment that she agrees 3 trustees would be best for the time being.

No Public Comment via Zoom.

No Public Comment in the chambers.

6.F Consider establishing monthly creek clean up days sponsored by the District.

Armando Alfaro, Trustee, advised we need to clean the creek before the rain. Armando recommends a creek clean up every 3 months in order to prevent damage.

Michele Schroeder, Trustee asked Steve Loupe, Director of Public Works what can we do without a permit.

Steve Loupe, Director of Public Works responded by saying garbage and debris can be cleaned out of the creeks. Anything that is loose or anything that is going to present a life safety hazard, you can remove that obstruction from the waterway.

Michele Schroeder, Trustee commented that if its not loose and brush growing into the creek bed, does it require a permit.

Steve Loupe, Director of Public Works replied correct.

Michele Schroeder, Trustee asked if a clean up day would be useful.

Steve Loupe, Director of Public Works, said yes it would be beneficial.

One Public Comment via Zoom, Yareny Jones made a comment about having a monthly clean up as she believes it is more of a preventative measure. Yareny believes we should invest the money from FEMA or grants in getting the major cleanup done first. Yareny made the suggestion to have a community clean up. Yareny asked if we were to hold a monthly clean up, how would it be picked up and properly disposed of.

Steve Loupe, Director of Public Works, advised we would need to coordinate with CHEER.

Paula Azcona, Trustee, commented monthly clean-up is a bit extreme, during the wet seasons we can't have people walking on the levees and then there is the erosion part of it. Paula recommended we clean up at the end of the summer or fall months.

One Public Comment via Zoom, Micah Jones said he is confused about the cleanup of creeks because if we can clean it up, why didn't we do it before all the flooding happened. Micah was told by Fish and Wildlife they did not allow the county to go clean things up.

One Public Comment via Zoom, Yareny Jones stated she wanted to clarify that the monthly cleanup she proposed is not monthly from the beginning of the year to the end. Yareny Jones meant during the time of the rain season.

Steve Loupe, Director of Public Works, said if a farmer has a very large excavator and can go on the bridge and move debris that is blocking the bridge from flowing properly Fish and Wildlife will allow that to occur. For larger equipment and larger activities we will likely need some funding.

No Public Comment via Zoom.

No Public Comment in the chambers.

6.G Mosquito Abatement of continuing standing water from flooding and ponding due to saturated soils

Armando Alfaro, Trustee, has noticed in the last 2 weeks there have been a lot of mosquitoes in the area. Armando says this is a big problem and if nothing gets done it will become very dangerous.

Michele Schroeder, Trustee, asked what authority we have as a district to address this issue.

Joel Ellinwood, Assistant County Counsel, advised the county has a mosquito abatement program. It is administered through the Agricultural Commissioner's Office. Joel recommends that the District contact the Agricultural Commissioner's office and have their personal who operate the mosquito abatement to come out and give them a tour of where the standing water is, and they can treat it appropriately.

Paula Azcona, Trustee, had a comment about the ponds and how some may be organic, and they may not want to be fumigated.

One Public Comment in the Chambers, Josephine Alfaro, also commented on the mosquitoes and she says there are a lot of mosquitoes. Josephine has a tarp with a mosquito infestation along with the smell of the water. Josephine believes this is an issue for livestock, plants and for humans.

One Public Comment in the Chambers, Yareny Jones, commented that the water they are referring to is the water that was brushed up that is already contaminated by the floods.

Michele Schroeder, Trustee, asked Joel Ellinwood for the contact information for the Ag Commissioner and was advised his name is Ken Griffin and the information is on the county's website.

Moved by Paula Azcona; seconded by Michele Schroeder to Approve Motion to contact the Ag Commissioner and ask them to come out and make an inspection and propose mosquito abatement control. .

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

6.H Discussion of Future Agenda Items

Michele Schroeder, Trustee, has an item she would like to further discuss and possibly take a vote on forming an advisory committee.

One Public Comment in Chambers, Lucinda Florek, would like to see more visibility of what is actually being done to the creeks and what is actually being repaired.

One Public Comment in Chambers, Bill Florek asked if we can work with Pajaro District since our water go throughs Pajaro.

One Public Comment in Chambers, Yareny Jones asked if we could reach out to Santa Clara County and see if they are able to help due to the Pacheco Dam causing a lot of the issues and the levee overflowing.

No Public Comment via Zoom.

No Public Comment in the chambers.

6.I Review/Amend Calendar of Regular Meeting Dates

Michele Schroeder, Trustee, advised on a quarterly basis the Fish and Game Commission uses this space on Monday at 6pm on the 4th Monday of each month.

Joel Ellinwood, Assistant County Counsel, provided an alternate suggestion, the Planning and Building department has a large conference room and have the equipment to do Zoom meetings.

Moved by Paula Azcona; seconded by Michele Schroeder to Approve Motion to designate the RMA conference room as the alternate meeting place. .

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

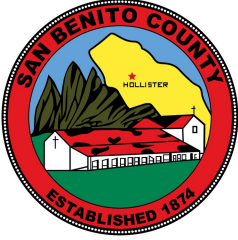
7. ADJOURNMENT

Moved by Paula Azcona; seconded by Armando Alfaro to Approve .

Motion Passed: 3 - 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None



**SAN BENITO COUNTY
PACHECO STORM WATER DISTRICT**

Armando	Michele	Paula
Alfaro	Schroeder	Azcona
Trustee	Trustee	Trustee

481 Fourth Street, Hollister, CA 95023

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CALL TO ORDER

Trustee Michele Schroeder called the meeting to order.

PLEDGE OF ALLEGIANCE

Trustee Michele Schroeder lead the meeting into the Pledge of Allegiance.

ACKNOWLEDGE CERTIFICATE OF POSTING

Michele Schroeder, Trustee motioned to acknowledge the certificate of posting.

Paula Azcona, Trustee seconded this motion.

Michele Schroeder, Trustee of the Pacheco Storm Water District, Paula Azcona, Trustee of the Pacheco Storm Water District, Armando Alfaro, Trustee of the Pacheco Storm Water District voted for this motion.

Moved by Michele Schroeder; seconded by Paula Azcona to Approve Motion carried 3-0..

Motion Passed: 3 - 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

Moved by Armando Alfaro; seconded by Paula Azcona to Approve Motion to Acknowledge Certificate of Posting of Agenda.

Motion Passed: 3 - 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

Acknowledge Certificate of Posting

1. REGULAR AGENDA

1.A ADOPT CALENDAR OF REGULAR MEETING DATES

Michele Schroeder, Trustee of the Pacheco Storm Water District, Paula Azcona, Trustee of the Pacheco Storm Water District, and Armando Alfaro, Trustee of the Pacheco Storm Water District agreed to have the meeting on the fourth Monday of each month at 6 p.m.

Moved by Paula Azcona; seconded by Armando Alfaro to Approve Motion carried 3-0..

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

Moved by Michele Schroeder; seconded by Paula Azcona to Approve Motion to have the regular meetings of the Board of Trustees on the fourth Monday of each month at 6 p.m. .

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

1.B INFORMATIONAL PRESENTATION ON PUBLIC AGENCIES WITH PROGRAM AND FUNDING OPPORTUNITIES FOR DISTRICT FLOOD RECOVERY AND FUTURE FLOOD CONTROL IMPROVEMENTS

Steve Loupe, Director of Public Works provided a presentation on the funding opportunities and sources that are going to be available to the Pacheco Storm Water District.

Steve Loupe, Director of Public Works commented Staff would suggest, after we request funding for the levee and the creek, Staff recommends the request for funding the hydraulic study of the area so we can see how much water is coming into the creek and area.

One Public Comment in Chambers, Elia Salinas, asked Steve Loupe, Director of Public Works, what is the distance the Pacheco Storm Water District covers.

Joel Ellinwood, Assistant County Counsel responded by stating the district is about 1,400 acres. There is a map that has been previously provided, it encompasses 66 different parcels, 5 of which are owned by the United States Department of the Interior. The district has easements of record that were granted by property owners to construct and maintain the levees that includes parcels owned by trustee.

Steve Loupe, Director of Public Works stated there will be a webpage created where documents will be posted.

One Public Comment via Zoom, Micah Jones asked about the \$2 million dollars to fix and clean out the creek and do a study. Micah asked what the \$2 million dollars will actually get us. The second question was do we have to deal with FEMA to clean up the creek.

Joel Ellinwood, Assistant County Counsel commented we have the right but we do not have the resources. Currently, we are looking for funding to make the repairs and to clean out the stream channel to reduce the risk of flooding in the future.

Steve Loupe, Director of Public Works added when staff met with FEMA, staff requested funding to repair the levee and clean up the creek. FEMA asked if the County has an easement or ownership rights to that area. Our response was no and so FEMA said sorry you cannot apply for funding over areas that you don't have any rights to. Now that the Pacheco Storm Water District has become active, and this district has easement rights over this area that provides a mechanism to apply for funding we can begin the process. The \$2 million would focus on construction and the 2 levee breaches that we know there, slightly upstream of the area that was fixed previously.

No Public Comment via Zoom.

No Public Comment in the chambers.

1.C ADMINISTRATION OF THE OATH OF OFFICE FOR APPOINTED TRUSTEES

Vanessa Delgado administered the Oath of Office for appointed trustees.

1.D ELECTION OF OFFICERS OF THE DISTRICT BOARD OF TRUSTEES

Moved by Paula Azcona; seconded by Armando Alfaro to Approve Paula Azcona moved to elect Michele Schroeder as President of the Board of Trustees..

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

1.E ADOPTION OF RESOLUTION AUTHORIZING APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR EMERGENCY PUBLIC ASSISTANCE TO REPAIR PACHECO CREEK LEVEE BREAKS.

Joel Ellinwood, Assistant County Counsel commented the application form is an ongoing process. Joel Ellinwood, Assistant County Counsel stated it would be appropriate for the Board of Trustees to make a motion to authorize one of its members to participate in submitting an application online.

Moved by Paula Azcona; seconded by Armando Alfaro to Approve Motion to file application with FEMA. .

Motion Passed: 3- 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

ADJOURNMENT

Moved by Paula Azcona; seconded by Armando Alfaro to Approve Motion to adjourn the meeting..

Motion Passed: 3 - 0

Voting For: Armando Alfaro, Michele Schroeder, Paula Azcona

Voting Against: None

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 21.

MEETING DATE: **04/24/2023**

DEPARTMENT: OFFICE OF EMERGENCY SERVICES

AGENDA ITEM PREPARER: Madison Mitchell

SUBJECT:

Update regarding FEMA Application for Emergency Public Assistance to Repair Pacheco Creek Levee Breaks

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 22.

MEETING DATE: **04/24/2023**

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Steve Loupe

SUBJECT:

Update regarding Additional Funding Opportunities for District Flood Recovery and Future Flood Control Improvements

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 23.

MEETING DATE: **04/24/2023**

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Steve Loupe

SUBJECT:

Update on Debris Removal

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 24.

MEETING DATE: **04/24/2023**

DEPARTMENT: AGRICULTURAL COMMISSIONER

AGENDA ITEM PREPARER: Ken Griffin

SUBJECT:

Update on Mosquito Abatement

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 25.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Joel Ellinwood

SUBJECT:

Discussion of Appointment of Advisory Board for District Board of Trustees

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 26.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Joel Ellinwood

SUBJECT:

Discussion of Ways to Publicize Work of Trustees

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 27.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Joel Ellinwood

SUBJECT:

Discussion of Collaboration Opportunities/Region-wide Coordination

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS:

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 28.

MEETING DATE: **04/24/2023**

DEPARTMENT: COUNTY COUNSEL

AGENDA ITEM PREPARER: Joel Ellinwood

SUBJECT:

Review mapping of easements held by the District for flood control facilities.

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Pacheco Storm Water District holds easements granted in 1948 and 1985 on parcels in the vicinity of Pacheco Creek as described in documents of record that are binding on all successor owners. The legal descriptions of the easements are difficult to interpret. The mapping professionals in the San Benito County Assessor's Office prepared maps illustrating the areas described in the easements, The maps and an overlay of the maps on an aerial view of the district and the levees as mapped by FEMA Flood Maps are attached.

Some portions of the levees were constructed on properties for which there are no current easements of record. Fortunately that does not include portions of the levee that failed in either 2017 or 2023. However, it would be advantageous to secure easements that include the entire levee system and the areas within the levees for future maintenance and debris removal purposes.

The form of easement as utilized by the District in 1985 could serve as a template for obtaining easements for additional areas from current landowners, perhaps with modifications. A draft based on the 1985 form is attached for review and consideration for presentation to appropriate property owners.

ATTACHMENTS:

[PSWD Easement Map.pdf](#)

[Map of Easement Docs 8503541 - 8503543 & Book 149 P 135 & 136.pdf](#)

[Map of Easement Doc 8503546.pdf](#)

[PSWD Grant of Easement 2023 \(draft\).docx](#)



Pacheco Storm Water District Easement Map



Legend

- SBC Parcels
- FEMA Levee
- California County Boundaries
- <all other values>
- San Benito
- City Limit
- Easement PSWD
- SBC Approved Subdivisions
- Hollister Airport Runways
- Tentative Streets
- Park
- World Street Map

1: 18,056



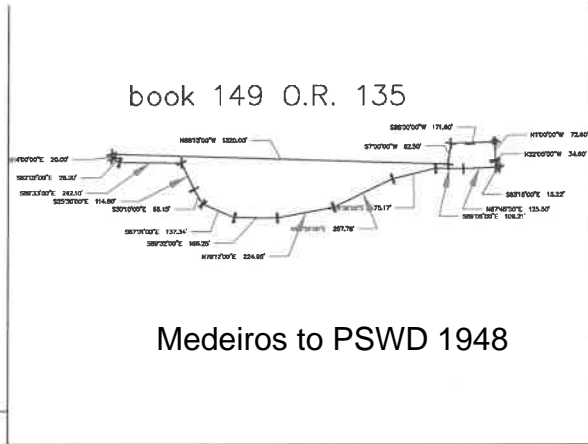
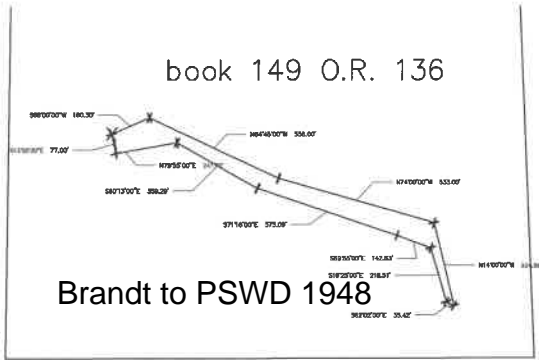
3,009.3 0 1,504.66 3,009.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
©County of San Benito, GIS Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

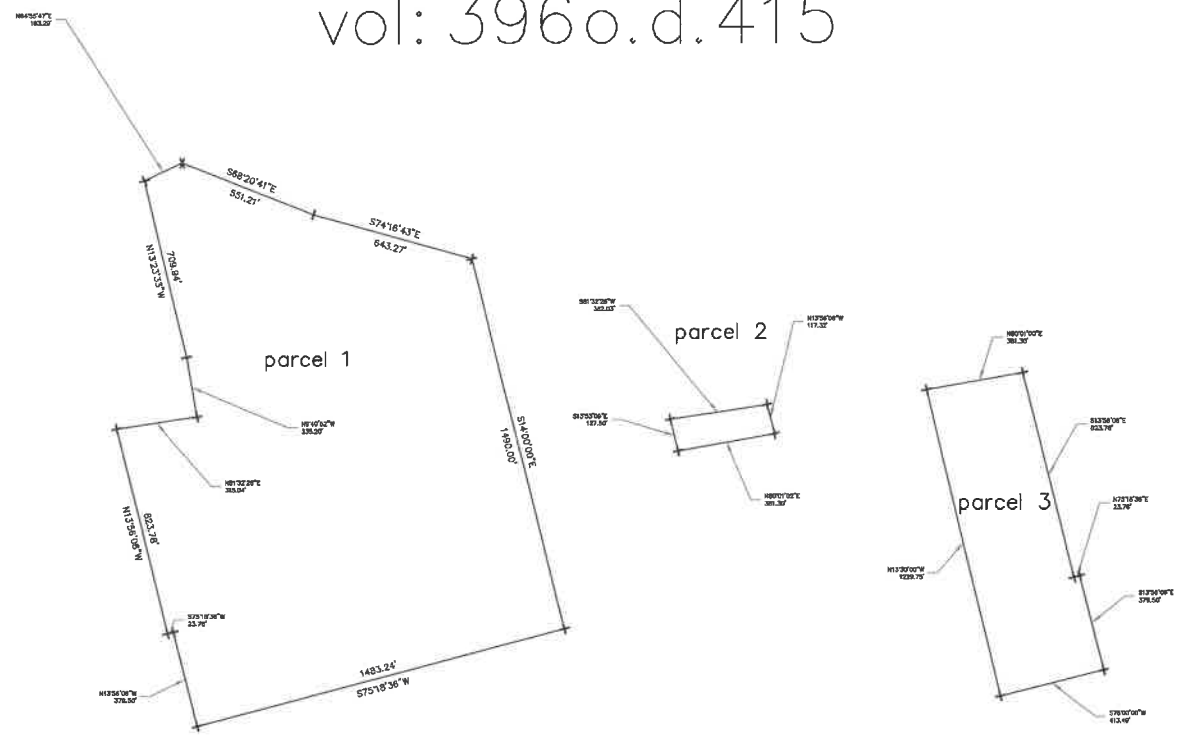
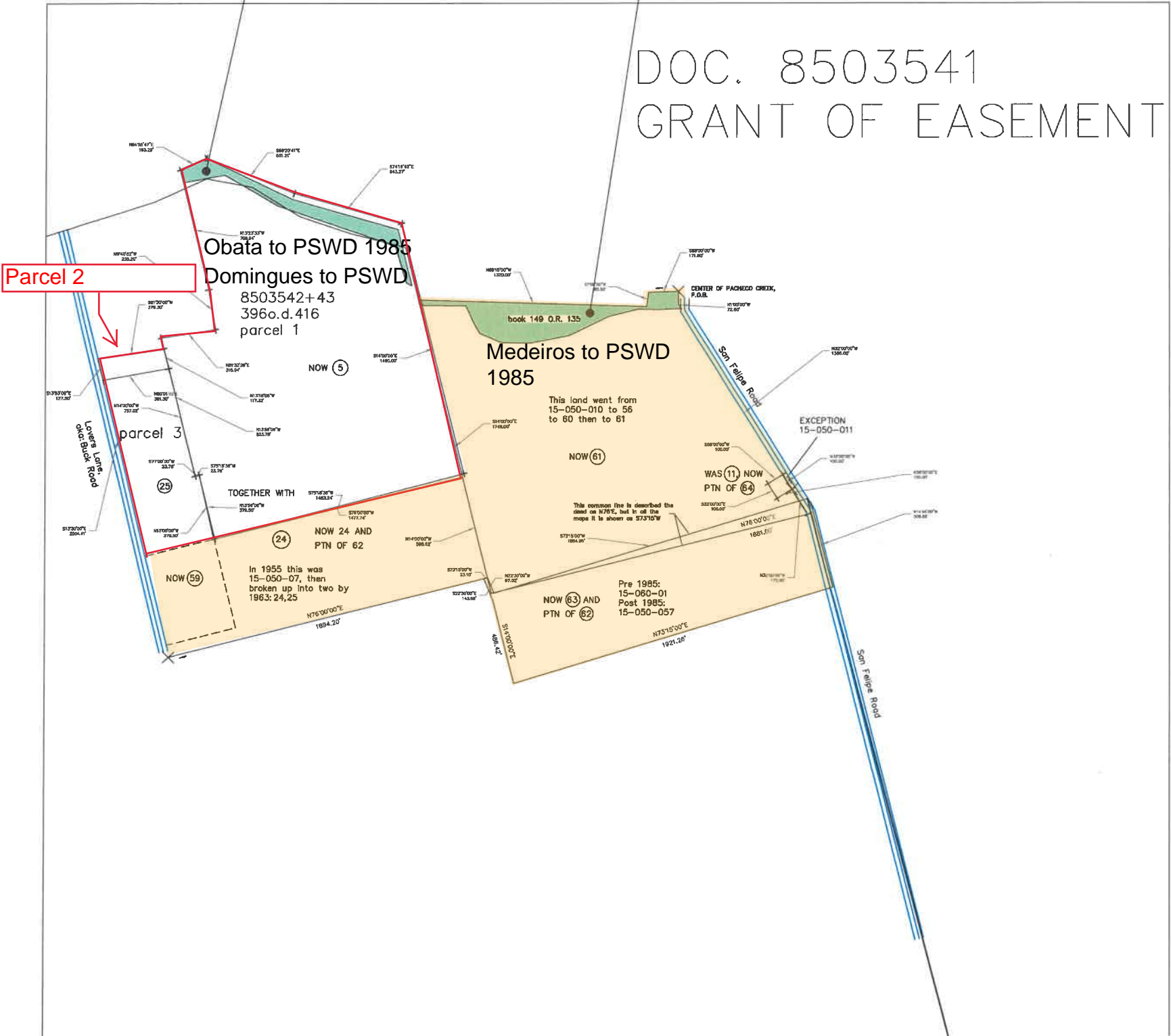
The areas where the PSWD holds easements of record from 1948 and 1985. The levees shown on FEMA Flood Maps are shown in purple.

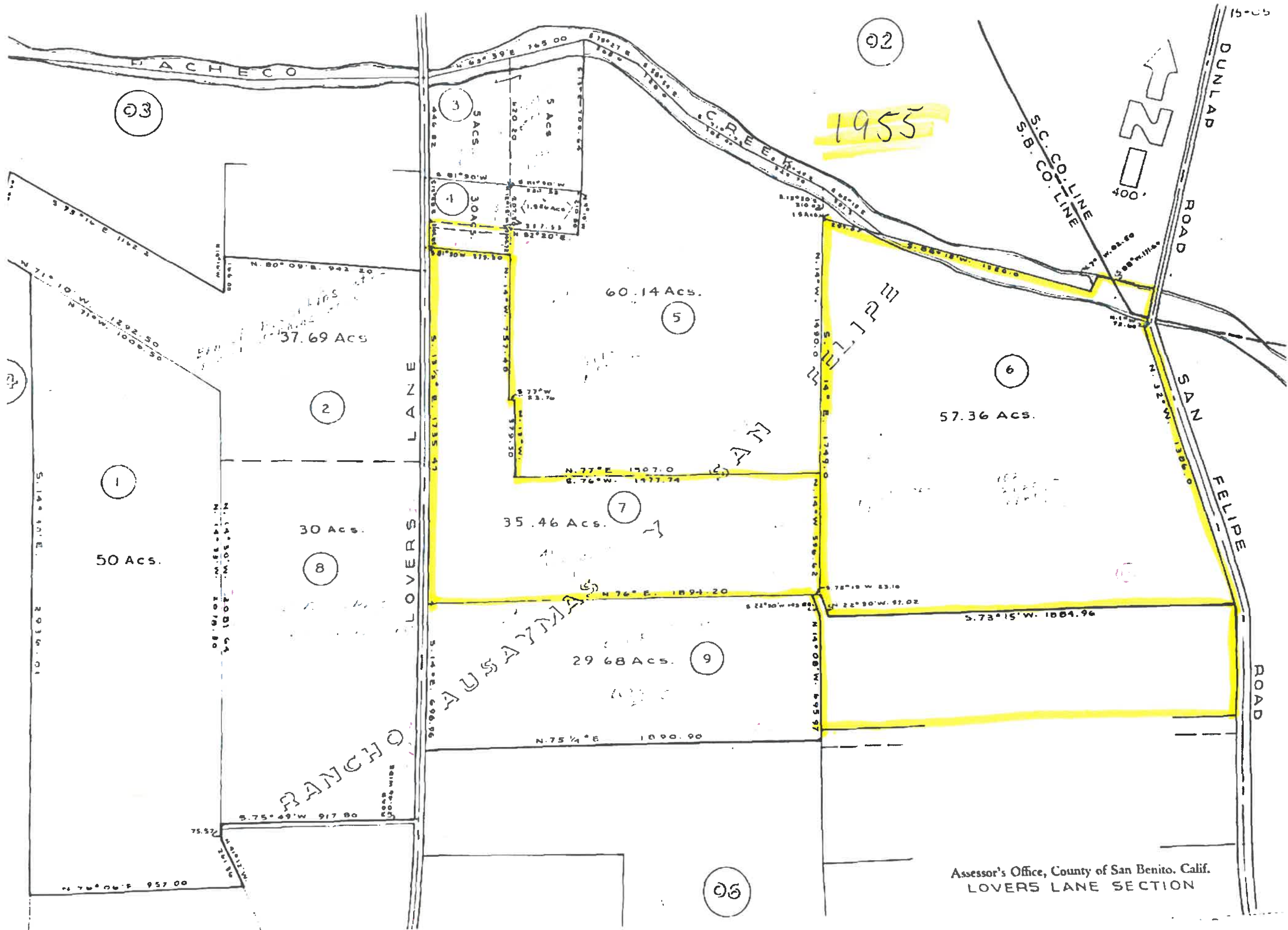


015-05

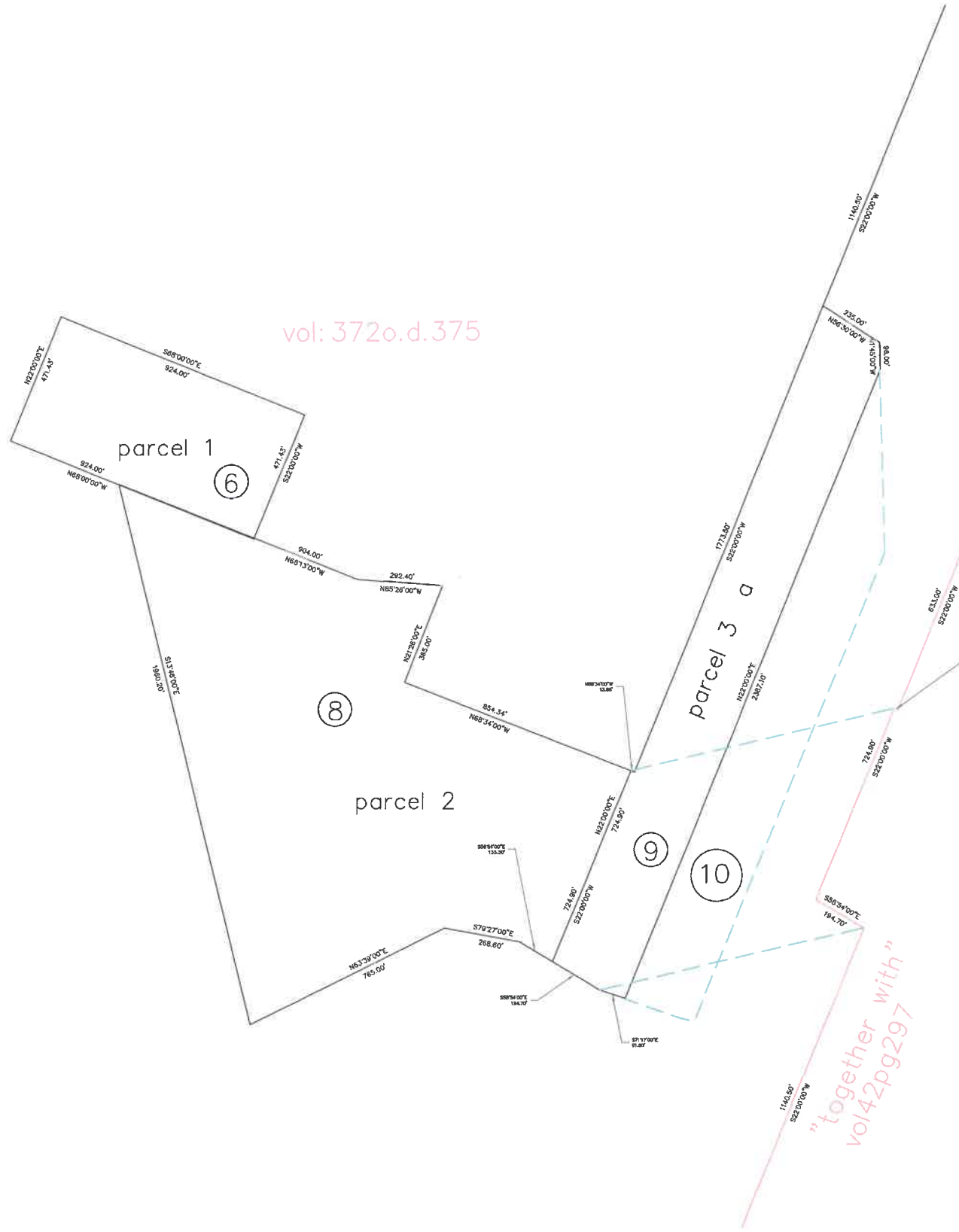
DOC. 8503541
GRANT OF EASEMENT

DOC. 8503542 + 43
GRANT OF EASEMENT
vol: 396 o.d. 415





Assessor's Office, County of San Benito, Calif.
LOVERS LANE SECTION



015-02

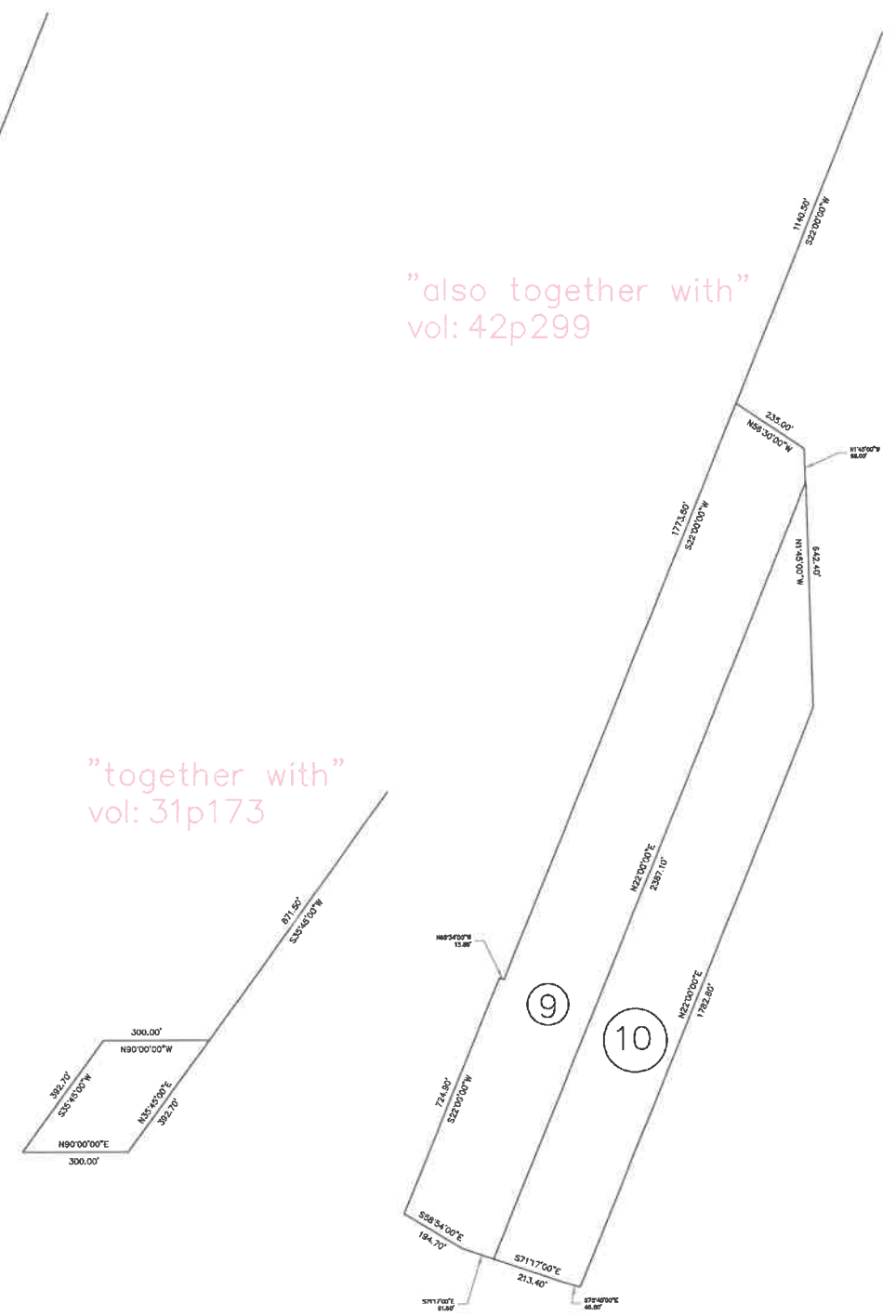
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circa 1955

Costa & Conconi to PSWD

vol: 372o.d.375

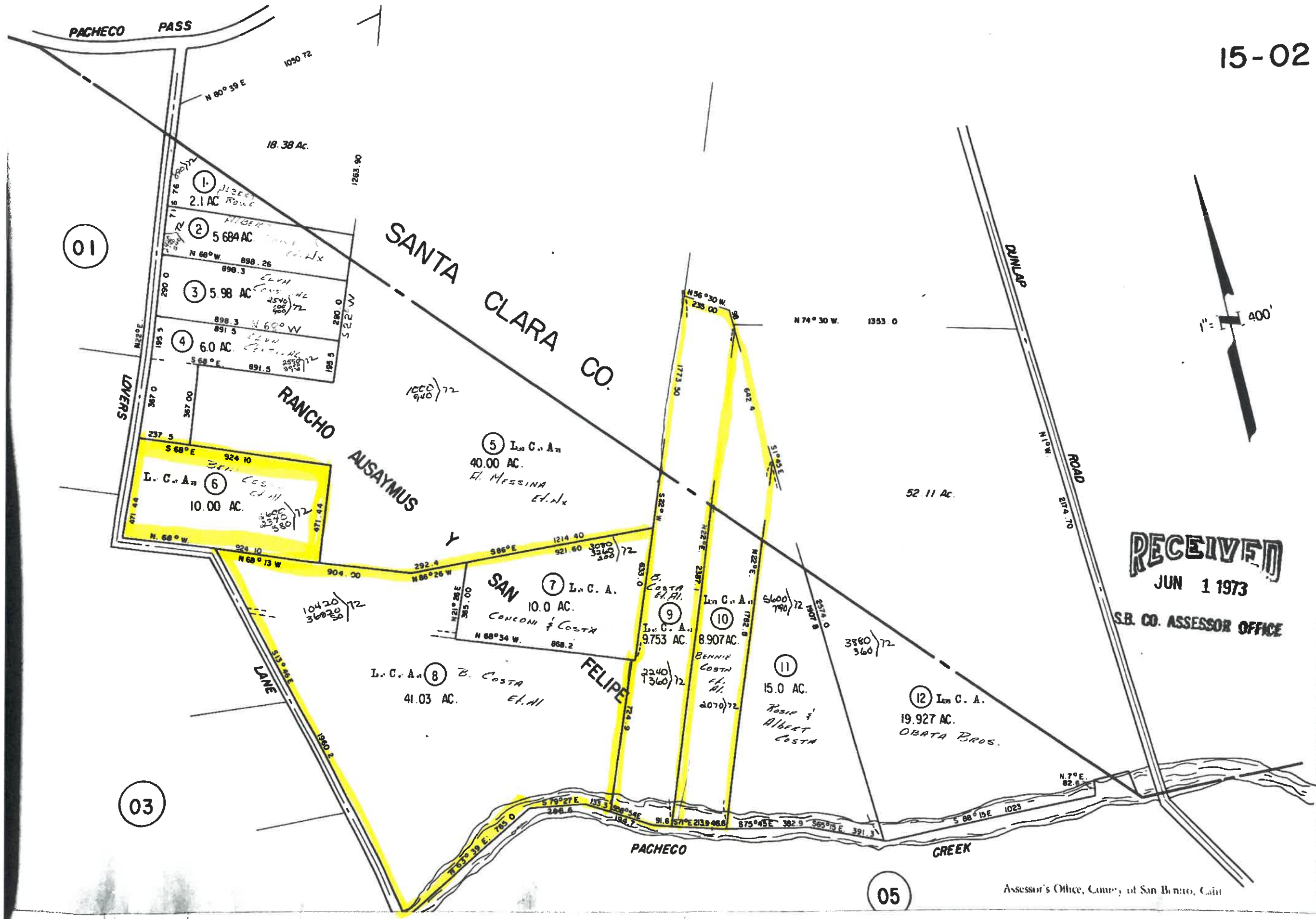
"together with" vol: 31p173

"also together with" vol: 42p299



15-02

Scanned with CamScanner



Recording Requested by and when
recorded return to:
Pacheco Storm Water District
c/o
Hollister, CA 95023

Space above this line for Recorder's Use

GRANT OF EASEMENT

This grant of easement is made this ___ day of _____, 2023, between the PACHECO STORM WATER DISTRICT, a California independent special district, hereinafter referred to as the "Grantee", and _____, hereinafter referred to as the "Grantor";

WHEREAS, the Pacheco Stormwater District in conjunction with the United States Department of Agriculture Natural Resource Conservation Service and other public agencies is undertaking a streambank protection, levee and stream channel maintenance and repair project, and

WHEREAS, said project is designed to prevent erosion of streambanks by installing vegetative and structural protection and clearing debris on various sites on Pacheco Creek, and

WHEREAS, Grantee requires easements through Grantor's land for purposes of construction and future maintenance of the project referred to herein,

NOW THEREFORE, the parties agree to a grant of easement as follows:

1. Grantor hereby grants to the Grantee and its assigns the permanent right, privilege, and easement to enter upon and use the streambank of land hereinafter described, to survey, construct, reconstruct, operate, maintain, repair, and install vegetative and structural protection together with the right of ingress and egress thereto and the right to remove objects interfering therewith at any and all points within, through, over and across the following described land:

See exhibit A attached hereto and made a part hereof.

2. The grant of easement herein contained is subject to existing rights of way of record or in use for roads, railroads, telegraph, telephone and electrical transmission lines, and canals, laterals, ditches, and pipelines on, over, and across any part of the above-described land.

3. Grantor reserves the right to occupy or use the easement areas for agricultural and recreational purposes or any other purpose consistent with the rights and privileges granted to the Grantee. Such reserved rights shall not be so exercised as to interfere with, damage, or endanger any facility or structure of the Grantee or prevent reasonable access thereto for the purpose of construction, operation, and maintenance of the vegetation or structures on said land.

4. The provisions herein shall inure to the benefit of and bind the heirs, executors, administrators, successors, and assigns of the Grantor.

5. In case of permanent abandonment of said easement areas the title and interest herein granted shall end, cease, and terminate.

IN WITNESS WHEREOF, the parties have caused this easement to be executed the date hereinabove written.

Date: _____

Grantor:

Grantee:

Pacheco Storm Water District

By: Michele Schroder
President, Board of Trustees

This is to certify that the grant of easement conveyed by the grant dated from the Grantor to the Pacheco Storm Water District, a State of California independent special district, is hereby accepted by order of the Pacheco Storm Water District Board of Trustees pursuant to the authority conferred by Resolution of the Board of Trustees, Resolution No. _____ adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

ACCEPTED:
Pacheco Storm Water District Board of Trustees

APPROVED AS TO LEGAL FORM:

By: _____
Michele Schroeder, President

By: _____
Joel Ellinwood, District Counsel

Date: _____

Date: _____

Attachments:

Notary Acknowledgments

Legal Description of the Easement Area (Exhibit A)

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 29.

MEETING DATE: **04/24/2023**

DEPARTMENT: COUNTY COUNSEL

AGENDA ITEM PREPARER: Barbara Thompson

SUBJECT:

Informational presentation on Conflict of Interest Code adoption requirements by local agencies as set forth in the Government Code and Fair Political Practice Commission Regulations, and consideration of draft resolution for the adoption by the District of the model code by reference.

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

California Government Code section 87300 mandates that all local public agencies adopt a Conflict of Interest Code which must specifically list the positions within the agency that must file Form 700 Statement of Economic Interest. No Conflict of Interest Code shall be effective until it has been approved by the code reviewing body, which for multi-county agencies, such as the Pacheco Storm Water District which includes portions of Santa Clara and San Benito Counties, is the Fair Political Practices Commission (FPPC) (otherwise a County Board of Supervisors). A new agency has 6 months to submit a code. Once the PSWD Code is approved by the FPPC, the persons specified in the approved code must file the Form 700 Statement of Economic Interests with the appropriate agency.

A draft Resolution to adopt the model state Conflict of Interest Code by reference is attached.

ATTACHMENTS:

[PSWD Resolution No. 2023-__ Adopting Conflict of Interest Code.docx](#)

**BEFORE THE BOARD OF TRUSTEES
OF THE PACHECO STORM WATER DISTRICT**

Resolution No. 2023-___

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE PACHECO STORM
WATER DISTRICT ADOPTING A CONFLICT OF INTEREST CODE.**

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq.; and

WHEREAS, the Pacheco Storm Water District Board of Trustees desires to adopt the Fair Political Practices Commission's model conflict of interest code; and

WHEREAS, pursuant to Government Code section 87302, the conflict of interest code must designate positions and advisory bodies subject to disclosure of financial interests; and

WHEREAS, the board determines that the members of the Board of Trustees and of any Advisory Committee which may be hereinafter established, and any compensated staff that may hereinafter may be employed or engaged as independent contractors or consultants are those positions and advisory bodies which should be designated and all the the categories of financial interests which should be made reportable.

NOW, THEREFORE, BE IT RESOLVED THAT the terms of 2 Cal. Code of Regulations Section 18730, any later amendments duly adopted by the Fair Political Practices Commission, and the above-specified officials, employees and members of the advisory bodies of the Pacheco Storm Water District Board of Trustees are designated and disclosure categories as are set forth above is hereby incorporated by reference and constitutes the conflict of interest code of the Pacheco Storm Water District Board of Trustees and of the officials, employees and members of advisory bodies specified above.

BE IT FURTHER RESOLVED THAT persons holding the positions or who are members of the advisory bodies designated shall file statements of economic interests pursuant to Section 4(C) of the code with the San Benito County Clerk, to whom the Pacheco Storm Water District Board of Trustees hereby delegates the authority to carry out the duties of filing officer.

PASSED AND ADOPTED BY the PACHECO STORM WATER DISTRICT BOARD OF TRUSTEES on this the ____ day of _____, 2023, by the following vote:

AYES: TRUSTEES:

NOES: TRUSTEES:

ABSENT: TRUSTEES:

ABSTAIN: TRUSTEES:

PACHECO STORM WATER DISTRICT

By: _____
Michele Schroeder, President
Pacheco Storm Water District Board of Trustees

ATTEST”

Clerk of the Board

**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Armando Alfaro Michele Schroeder Paula Azcona
Board Member Board Member Board Member

Item Number: 210.

MEETING DATE: **04/24/2023**

DEPARTMENT: CLERK OF THE BOARD

AGENDA ITEM PREPARER: Joel Ellinwood

SUBJECT:

Discussion of Future Agenda Items

AGENDA SECTION:

REGULAR AGENDA

ATTACHMENTS: